

Mr. Sam Coleman, Acting Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

May 15, 2017

STATE CERTIFICATION

RE: Abiquiu Wastewater Treatment Plant, NPDES Permit No. NM0024830

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

/s/ Shelley Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lt. Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary
J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

May 15, 2017

Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: **State Certification – Abiquiu Wastewater Treatment Plant
NPDES Permit NM0024830**

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed NPDES permit:

**Abiquiu Wastewater Treatment Plant
NPDES Permit No. NM0024830**

If any, comments and conditions are enclosed on a separate sheet.

Certification Process:

The U.S. Environmental Protection Agency will regulate this project under Individual Permit (NPDES permit number NM0027782). A state Water Quality Certification is required by CWA §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, NMSA 1978) and complies with the state Water Quality Standards (State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC) amendments effective on January 14, 2011), the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (20.6.2.2001, NMAC), NMED issued a public notice of this activity and announced a public comment period, posted on the Surface Water Quality Bureau's web site: (www.nmenv.state.nm.us/swqb/WQA/Notice). NMED received no comments by the end of the comment period.

Sincerely,

/s/ Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/enclosures)

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mr. Juan Lopez, Director
Post Office Box 133
Abiquiu, NM 87510

Abiquiu Wastewater Treatment Plant
NPDES Permit No. NM0024830
State Certification of the Proposed NPDES Permit
May 15, 2017

Comments of Certification:

1. Page 1, Part I – Requirements for NPDES Permits, Section A. Limitations and Monitoring Requirements, it states the pH minimum is 6.6 and maximum is 8.5. NMED believes pH should have a **maximum of 8.8**.
2. Page 4, Part II – Scope and Methodology, paragraph d., it states:

“This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to NMED, Surface Water Quality Bureau in writing, within five business days of notification of the test failure. NMED will review the test results and determine the appropriate action necessary, if any.”

NMED believes this should read:

*“This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to **EPA**, in writing, within five business days of notification of the test failure. **EPA** will review the test results and determine the appropriate action necessary, if any.”*

3. Page 1, Part I – Requirements for NPDES permits, Section A. Limitations and Monitoring Requirements, it states that the Total Residual Chlorine (TRC) is 3 ug/L. NMED believes TRC should be 11 ug/L.

Conditions of Certification:

None